

REMARKS/DISCUSSION OF ISSUES

By this Amendment, Applicant amends claim 16, and adds new claims 20-22. Accordingly, claims 1-16 and 19-22 are pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

35 U.S.C. § 101

The Office Action rejects claims 1-16 under 35 U.S.C. § 101.

Applicant respectfully traverses the rejections of claims 1-15.

35 U.S.C. § 101 states that:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title"

Claims 1-15 are directed to an **apparatus**. An apparatus is a machine and/or a manufacture as recited in 35 U.S.C. § 101.

Therefore, Applicant respectfully submits that claims 1-15 are directed to statutory subject matter.

The Office Action states that *"the apparatus as recited disclose a process or receiving, presenting, extracting, generating, and display and is therefore interpreted as software, i.e., a process and not a machine."*

Applicant specifically traverses this statement for at least the following reasons.

Claims 1-15 do not "disclose" a process. They recite an apparatus that includes various **means**. M.P.E.P. § 2181 (II) clearly states:

"35 U.S.C. 112, sixth paragraph states that a claim limitation expressed in means-plus-function language 'shall be construed to cover the

corresponding structure... described in the specification and equivalents thereof"

(emphasis added). So it is seen that "means" cover structures – which belong to the statutory classes of machine and/or manufacture – not a process. Therefore, Applicant respectfully submits that claims 1-15 are not directed to any process, and are instead directed to an actual apparatus with definite structure, which is a machine and/or a manufacture as recited in 35 U.S.C. § 101.

With respect to claim 16, Applicant does not agree or acquiesce to the basis of the rejection, and particularly notes that the cited memorandum of May 15, 2008 has already been admitted by its author in a subsequent memorandum dated 7 January 2009 to have been superseded at least in part by the decision of In re Bilski, 545 F.3d 943, 88 USPQ2d 1385 (Fed. Cir. 2008). However, to advance prosecution of the application at this time, claim 16 is amended to recite definite structures of a particular apparatus which clearly tie the method claim to another statutory class.

Accordingly, for at least these reasons, Applicant respectfully requests that the rejections of claims 1-16 under 35 U.S.C. § 101 be withdrawn.

35 U.S.C. § 103(a)

The Office Action rejects claims 1-6, 9-14, 16 and 19 under 35 U.S.C. § 103(a) over Baudisch U.S. Patent Publication 2002/0167531 ("Baudisch") in view of Taniguchi U.S. Patent 6,445,365 ("Taniguchi"); and claims 7, 8 and 15 under 35 U.S.C. § 103 over Baudisch in view of Taniguchi and further in view of Witehira U.S. Patent 6,906,762 ("Witehira").

Applicant respectfully traverses those rejections for at least the following reasons.

Claim 1

Among other things, the display apparatus of claim 1 includes: (1) means for extracting background content information from a visual content signal presented on a primary display; (2) means for generating a surround image in response to the

extracted background content information; and (3) means for displaying the surround image on a secondary display area thereby providing a combined display having an increased viewing angle.

Applicant respectfully submits that no combination of the cited art would ever produce a display apparatus including this combination of features.

Baudisch discloses a display (e.g., FIG. 15) which has a greater image resolution (increased pixel density) in a first display area (e.g., 140) than it has in a second display area (e.g., 130).

The Office Action states that Baudisch discloses means for extracting content information from a visual content signal, and means for generating an image in response to the content information, citing elements 280 and 255, respectively.

Applicant respectfully disagrees.

Element 280 in Baudisch is an image fork. Image fork 280 replicates the image and provides the multiple images to separate viewers 260 which scale and crop the image to provide the appropriate data for viewing a corresponding portion of the total image on a corresponding display 290. Image processor 255 receives data from a corresponding view and processes the data so that it can drive the corresponding display 290. Image fork 280 does not extract any content information from the image, and image processor 255 does not generate an image from any extracted content information.

So Applicant respectfully submits that no combination of Baudisch and Taniguchi could ever produce the apparatus of claim 1.

Furthermore, the Office Action fairly admits that Baudisch does not disclose generating any surround image from a visual content signal from any background content information extracted from a visual content signal of a visual content signal presented on a primary display.

The Office Action states that Taniguchi discloses extracting a background image.

However, the Office Action does not state that Taniguchi discloses generating a surround image in response to extracted background content information of a

visual content signal presented on a primary display.

Taniguchi disclose a head-up display device which superimposes two images upon each other (see col. 5, lines 25-38; see also col. 1, lines 22-25; col. 2, lines 55-62; col. 7, lines 58-59; col. 8, lines 31-37; col. 9, lines 38-43; col. 13, lines 28-44 & 61-63; col. 14, lines 3-10; claims 2, 12, 19, 29, 35; etc.).

Applicant respectfully submits that Taniguchi does not disclose generating a surround image in response to extracted background content information of a visual content signal presented on a primary display. Applicant also respectfully submits that that no combination of Baudisch and Taniguchi would ever produce an apparatus including such a feature.

So, again, Applicant respectfully submits that no combination of Baudisch and Taniguchi would ever produce the apparatus of claim 1.

Applicant also respectfully traverses the proposed combination of Baudisch and Taniguchi.

At the outset, Applicant respectfully submits that the Office Action fails to establish the level of ordinary skill in the art of invention of claim 1. This is a fundamental requirement for maintaining a rejection under 35 U.S.C. § 103. See M.P.E.P. §§ 2141(II)(C) and 2141.03. Thus the Office Action fails to perform the analysis required by KSR International Co. v. Teleflex Inc., 550 U.S. 398, 82 USPQ2d 1385 (2007) ("KSR") for rejecting a claim under 35 U.S.C. § 103.

Furthermore, a rejection on obviousness grounds under 35 U.S.C. § 103 cannot be sustained by mere conclusory statements: instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See M.P.E.P. § 2142 (quoting In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006) and KSR 82 USPQ2d at 1396 (2007) (quoting Federal Circuit statement with approval)).

Here, the rejection is supported only by conclusory statements. The Office Action fails to articulate reasons with rational underpinnings for the proposed modifications. In particular, the Office Action fails to explain how or why the proposed combination of Baudisch and Taniguchi would "*display depth in a display*

and wide angel (sic) viewing without restrictions," or why this would have been recognized by one of skill in the art at the time the invention was made without reference to the teachings in Applicant's specification.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 1 is patentable over the cited art and respectfully requests that the rejection of claim 1 be withdrawn and that claim 1 receive an early allowance.

Claims 2-15

Claims 2-15 all depend from claim 1 and are deemed patentable for at least the reasons set forth above with respect to claim 1, and for various other novel features recited therein.

For example, with respect to claim 3, the Office Action cites col. 17, lines 29-30 of Baudisch as supposedly disclosing that an image is projected on an internal surface of a room. Applicant disagrees, noting further that col. 17, lines 29-30 Baudisch corresponds to the left hand column of page 9 of Baudisch, and lines 29-30 of that column do not mention any surface of any room. With respect to claim 5, Applicant respectfully submits that nothing in col. 11, lines 4-7 of Taniguchi discloses extracting background content information in response to any meta-data in a visual content signal. With respect to claim 6, Applicant respectfully submits that nothing in FIGs. 13A-C of Taniguchi discloses extracting background content information in response to a content analysis of the visual content signal presented on the primary display. These are just some examples - Applicant respectfully submits that numerous other features of claims 1-6 and 9-14 are not disclosed or suggested by any combination of Baudisch and Taniguchi.

Applicant also traverses all of the proposed combinations of Baudisch and Taniguchi in claims 1-6 and 9-14 for at least the reasons that the Office Action fails to articulate any rationales of the various proposed combinations, and furthermore because the Office Action fails to establish the level of ordinary skill in the art of invention.

Therefore, Applicant respectfully requests that the rejections of claims 2-15 be withdrawn and that claims 2-15 receive an early allowance.

Claim 16

Among other things, the method of claim 16 includes extracting background content information from the visual content signal, and generating a surround image in response to the extracted background content information.

For similar reasons to those set forth above with respect to claim 1, Applicant respectfully submits that no combination of Baudisch and Taniguchi would produce any method including this combination of features, and also respectfully traverses the proposed combination of Baudisch and Taniguchi.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 16 is patentable over the cited art and respectfully requests that the rejection of claim 16 be withdrawn and that claim 16 receive an early allowance.

Claim 19

Among other things, the system of claim 19 includes an extraction processor for extracting background content information from a visual content signal; and a second display processor for generating a surround image in response to the extracted background content information, wherein a combination of the image and the surround image provide a greater viewing angle than the image alone.

The Office Action rejects claim 19 "*based upon similar rational*" as claim 1.

Applicant respectfully submits that claim 19 is not claim 1. Claim 19 recites specific elements such as processors, receivers, etc. for which the Office Action cites no elements in either Baudisch or Taniguchi. **Applicant respectfully requests a full and independent examination of claim 19, including citations to the prior art that supposedly teach or suggest each and every specific feature recited therein.**

Applicant respectfully submits that no combination of Baudisch and Taniguchi would produce any system including the combination of features recited in claim 19. Applicant also respectfully traverses the proposed combination of Baudisch and Taniguchi for at least the reasons set forth above with respect to claim 1.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 19 is patentable over the cited art and respectfully requests that the rejection of

claim 19 be withdrawn and that claim 19 receive an early allowance.

Claims 7, 8 and 15

Claims 7, 8 and 15 all depend from claim 1. Applicant respectfully submits that Witehira does not remedy the deficiencies of Baudisch and Taniguchi as set forth above with respect to claim 1. Therefore Applicant respectfully submits that claims 7, 8 and 15 are all patentable over the cited art for at least the reasons set forth above with respect to claim 1.

Applicant also respectfully traverses the proposed combinations of Baudisch, Taniguchi and Witehira with respect to claims 7, 8 and 15. Again, as explained with respect to claim 1, the Office Action fails to establish the level of ordinary skill in the art of invention. Furthermore, the proposed combination of references with respect to claim 7 is supported only by conclusory statements. The Office Action fails to articulate reasons with rational underpinnings for the proposed modification of Baudisch and Taniguchi to include the feature of claim 7. In particular, the Office Action fails to explain how or why the proposed combination of Baudisch and Taniguchi with Witehira would *"provide specific important focus objects in the increased display area for a user to gaze upon,"* or why this would even be desirable in Baudisch' system, or why this would have been recognized by one of skill in the art at the time the invention was made. Furthermore, for claims 8 and 15 the Office Action fails to articulate any rationales of the proposed combinations.

Accordingly, for at least these reasons, Applicant respectfully submits that claims 7, 8 and 15 are patentable over the cited art, and respectfully requests that the rejections of claims 7, 8 and 15 be withdrawn and that claims 7, 8 and 15 receive an early allowance.

NEW CLAIMS 20-22

New claims 20-22 depend variously from claims 16 and 19 and are deemed patentable for at least the reasons set forth above with respect to claims 16 and 19, and for various novel features recited therein.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 1-16 and 19-22 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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